



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,474	06/28/2001	David L. Bradford	BS00403	3319

38516 7590 01/21/2005
SCOTT P. ZIMMERMAN, PLLC
PO BOX 3822
CARY, NC 27519

EXAMINER

NGUYEN BA, PAUL H

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,474

Applicant(s)

BRADFORD, DAVID L.

Examiner

Paul Nguyen-Ba

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25,27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This action is responsive to Applicant's Argument and Supplemental Amendment in Response to First Office Action, file on November 18, 2004.
2. Claims 1-25, 27, 28 are currently pending. Claims 1, 8, 14, 18, and 23 are independent claims.

Priority

3. This application claims benefit of provisional patent application 60/286,967 under 35 U.S.C. 119(e).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miles, U.S. Patent Application Publication No. 2002/0111842.

Independent Claim 1

Miles teaches a system for managing work orders using priorities, comprising:

a database management system...plurality of work orders (see Abstract → central database);

a work order management computer (see Abstract);

a time estimation process...the work order (see [211], [213]; see also Figs. 101, 103, and 105-116 → estimated number of hours the resource will be used on a work order); and

a graphical user interface...update...database management system (see [0014], [0148], [0149], [213]; see also Figs. 6-8).

Miles does not specifically teach allocating a pre-determined number of priorities for a pre-determined number of priority levels. However, Miles teaches *a priority assigning process...entered work orders...priority levels* (Figs. 73, 74, 94, 95, and 100; see pg. 9 - claim 12 → “Work Order Default Screen” has priority levels of low, medium, and high). It was commonly known and would have been obvious to those of ordinary skill in the art that each priority level in a work order system should have a predetermined allocation limit for the purpose of not rendering the priority level function obsolete by allowing every work order to have the same priority level.

Claim 2

Miles teaches the system wherein the *priority assigning processes tracks priority usage for each engineer that assigns a priority to a work order* (see [0004]; see also Figs. 103, 105-116 → system tracks the priority of the work order (low, medium, or high), the employee assigned the priority work order, as well as the details of its status).

Claim 3

Miles teaches the system wherein a *user can use the graphical user interface to request a report...database management system* (see [214]-[218]; see also Figs. 104-116).

Claim 4

Miles teaches the system wherein the *graphical user interface includes a schedule window which the user can use to enter a search to extract...work order information stored in the database management system* (see [0008], [0208], and [0209]; see also Figs. 87-90 → i.e. “Advanced Search” option from the “Work Order Screen”).

Claim 5

Miles teaches the system wherein the *graphical user interface is a web browser* (see Abstract).

Claims 6, 7, 12, 13, and 25

Miles teaches the system and method wherein *the work-order information is updated* (see [0014], [148], [149], [213]), but does not specifically teach a concrete timeframe for the updates. However, Miles teaches that the updates can be requested by the vendors or by the customer users (see [0014], [148], [149], [213]). It was commonly known to those of ordinary skill in the art that automatic periodic or daily updates are used in work order systems for the purpose of keeping the information in the database as recent and as up-to-date as possible.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to update the work-order information periodically or daily for the purpose of keeping the information in the database as recent and as up-to-date as possible.

Art Unit: 2176

Independent Claim 8

Independent *method* claim 8 incorporates substantially similar subject matter as Independent *system* claim 1, and is rejected along the same rationale.

Claim 9

Method claim 9 incorporates substantially similar subject matter as system claim 2, and is rejected along the same rationale.

Claim 10

Method claim 10 incorporates substantially similar subject matter as system claim 3, and is rejected along the same rationale.

Claim 11

Method claim 11 incorporates substantially similar subject matter as system claim 4, and is rejected along the same rationale.

Independent Claim 14

Independent claim 14 incorporates substantially similar subject matter as Independent claim 1 and dependent claim 2, and is rejected along the same rationale.

Claim 15

Miles teaches the system wherein the *graphical user interface...user can query the database...data in a report* (see [214]-[218]; see also Figs. 104-116).

Claim 16

Miles teaches the system with respect to independent claim 14 as discussed above, but does not specifically teach the system wherein *the user computer decrements the number of priorities..., and increments the number of priorities...when the work order is completed.*

However, Miles teaches *a priority assigning process...entered work orders* (Figs. 73, 74, 94, 95, and 100; see pg. 9 - claim 12 → “Work Order Default Screen” has priority levels of low, medium, and high). It was commonly known and would have been obvious to those of ordinary skill in the art that since each priority level in a work order system should have a predetermined allocation limit, the allocated number of priorities for each level should be monitored with a basic counter increment or decrement for the purpose of keeping track of the slots available per priority level, and ultimately, not rendering the priority level function obsolete by allowing every work order to have the same priority level.

Claim 17

Miles teaches the system wherein *the report is a priority report showing the user's use of priorities* (see [214]-[218]; see also Fig. 115).

Independent Claim 18

Independent *method* claim 18 incorporates substantially similar subject matter as Independent *system* claim 14, and is rejected along the same rationale.

Claim 19

Method claim 19 incorporates substantially similar subject matter as system claim 15, and is rejected along the same rationale.

Claim 20

Method claim 20 incorporates substantially similar subject matter as system claim 2, and is rejected along the same rationale.

Art Unit: 2176

Claim 21

Method claim 21 incorporates substantially similar subject matter as system claim 16, and is rejected along the same rationale.

Claim 22

Method claim 22 incorporates substantially similar subject matter as system claim 17, and is rejected along the same rationale.

Independent Claim 23

Independent claim 23 incorporates substantially similar subject matter as Independent claim 1, and is rejected along the same rationale.

Claim 24 and 28

Miles teaches the system for tracking the time remaining to complete the work order on a continuing basis; means of determining a series of tasks to complete the work order; means for assigning a time required to complete each task; and means for summing the time...to estimate the time required to complete the work order (see Abstract, Brief Summary, [213]; see also Figs. 101, 103, 105-116).

Claim 27

Claim 27 incorporates substantially similar subject matter as claim 16, and is rejected along the same rationale.

Response to Arguments

6. Applicant's arguments filed November 18, 2004 have been fully considered but they are not persuasive.

Applicant contends that a *prima facie* case of obviousness has not been met because the prior art fails to teach all the claim features. Applicant further contends that Examiner admits that the prior art, Miles, "fails to specifically teach allocating a pre-determined number of priorities for a pre-determined number of priority levels."

Although Examiner admits that Miles does not *specifically* or *explicitly* teach allocating a pre-determined number of priorities for a pre-determined number of priority levels, Examiner made clear in his First Office Action that Miles implicitly suggests a priority assigning process...entered work orders...priority levels (as shown in Figs. 73, 74, 94, 95, 100 and on pg. 9 - claim 12 → wherein the "Work Order Default Screen" has priority levels of low, medium, and high). This satisfies the 3rd prong of a *prima facie* obviousness analysis set forth in § 2143 of the MPEP ("the prior art reference must teach or suggest all the claim limitations.").

The 1st and 2nd prongs of an obviousness analysis pertain to motivation and reasonable expectation of success. It is Examiner's opinion that it was commonly known and would have been obvious to those of ordinary skill in the art at the time the invention was made that each priority level in a work order system should have a predetermined allocation limit for the motivational purpose of not rendering the priority level function obsolete by allowing every work order to have the same priority level.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Nguyen-Ba whose telephone number is (571) 272-4094. The examiner can normally be reached on 10 am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNB


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER